PARLEMENT EUROPÉEN

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

2008/2123(INI)

22.10.2008

AMENDEMENTS
1 - 9

Draft opinion
Urszula Gacek
(PE414.145v02-00)

on cross-border implications of the legal protection of adults
(2008/2123(INI))

AM_Com_NonLegOpinion

Amendment 1
Urszula Gacek

Draft opinion
Recital A

Draft opinion	*Amendment*
A. Whereas the Parliament welcomes the commitment of the French Presidency regarding the situation of vulnerable adults and their cross-border legal protection and congratulates those Member States who have signed and ratified the Hague Convention,	***deleted***

Or. en

Amendment 2
Urszula Gacek

Draft opinion
Recital A a (new)

Draft opinion	*Amendment*
	Aa. whereas a move from substitute decision-making by legal guardians to supported decision-making by vulnerable adults themselves can, in some cases, help to prevent the dehumanisation of vulnerable adults and prevent conflict, and ensure respect for the dignity of vulnerable adults,

Or. en

Amendment 3
Urszula Gacek

Draft opinion
Recital B

Draft opinion	*Amendment*
B. Whereas the Parliament encourages those Member States which have not yet signed or ratified it, to do so,	***deleted***

Or. en

Amendment 4
Urszula Gacek

Draft opinion
Recital B a (new)

Draft opinion	*Amendment*
	Ba. whereas situations have developed in which cases involving legal protection concern two or more Member States and concern EU Member States and non-EU States, in particular because of traditional migration flows (former colonies, the United States and Canada);

Or. en

Amendment 5
Urszula Gacek

Draft opinion
Recital C a (new)

Draft opinion	*Amendment*
	Ca. whereas problems have arisen because of the increasing movement between Member States where there is a net outflow of retired people, including vulnerable adults, and those Member States where there is a net inflow of retired individuals.

Or. en

Amendment 6
Urszula Gacek

Draft opinion
Recital D a (new)

Draft opinion	*Amendment*
	Da. whereas the need for and the principles governing the legal protection of vulnerable adults were agreed by all Member States in the Council of Europe's Recommendation No. R (99) 4 of the Committee of Ministers to Member States on Principles concerning the Legal Protection of Incapable Adults, adopted on 23 February 1999,

Or. en

Amendment 7
Urszula Gacek

Draft opinion
Recital E a (new)

Draft opinion	*Amendment*
	Ea. whereas the legal protection of vulnerable adults must be a pillar of the right of free movement of persons,

Or. en

Amendment 8
Urszula Gacek

Draft opinion
Paragraph -1 (new)

Draft opinion	*Amendment*
	-1. Welcomes the commitment of the French Presidency regarding the situation of vulnerable adults and their cross-border legal protection; congratulates those Member States who have signed and ratified the Hague Convention, and encourages those Member States which have not yet signed or ratified it, to do so;

Or. en

(The text of this new paragraph corresponds almost entirely to recitals A and B, deleted by amendments 1 and 3)

Amendment 9
Renate Weber

Draft opinion
Paragraph 5

Draft opinion	*Amendment*
5. Requests that the Commission finances a study to compare Member States' legislation on vulnerable adults and protection measures to confirm where legal issues could occur, and what measures would be needed at the EU or Member States level to solve any such issues; calls on the Commission to organise a series of conferences for legal professionals directly involved in such cases and to take into account the results of the study, opinion of professionals in future legislation.	5. Requests that the Commission finances a study to compare Member States' legislation on vulnerable adults and protection measures to confirm where legal issues could occur, and what measures would be needed at the EU or Member States level to solve any such issues; ***the study should also address the issue of institutionalised adults with intellectual disabilities as regards their guardianship and the possibility for them to exercise their legal rights;*** calls on the Commission to organise a series of conferences for legal professionals directly involved in such cases and to take into account the results of the study, opinion of professionals in future legislation.

Or. en